

IN THE SENATE OF THE UNITED STATES.

JANUARY 19, 1860.—Ordered to be printed.

MR. CHANDLER made the following

REPORT.

[To accompany Bill S. 80.]

*The Committee on Commerce, to whom was referred the petition of Jeremiah Moors, with a bill accompanying the same, having examined the same, report:*

That they adopt the report of the committee made January 25, 1855, in the following words:

“That on August 30, 1831, Henry T. Blake contracted with Adam D. Stuart, an agent of the United States, to build a light-house on the outer Thunder Bay island, in Lake Huron; that on the same day that this contract bears date Mr. Blake assigned it to the memorialist, constituting him his agent to perform the contract, and to receive the pay of the government therefor, and he was accepted by the government agent to do the work, as the substitute of Mr. Blake, the original contractor; that he proceeded with the government agent to the place of location, and commenced the work upon the site selected by said government agent, prosecuted the same with skill and energy, in strict conformity to the contract, and to the entire satisfaction of the superintendent, until it was nearly completed—only a small amount of labor to be performed upon the lantern—when a gale of unusual violence arose, and a tremendous sea swept over several acres of that part of the island on which the light-house was located, beating against it with great force, and after withstanding the gale for some time it gave way, and fell into the lake, leaving about twenty feet on the land side standing, a perfectly sound wall.

“From all the evidence presented to the committee in this case, they are of opinion that the destruction of the tower was wholly attributable to the injudicious and exposed location of the building, and to the severity of the storms, (for which the memorialist was not responsible,) and *not* to any defect in the materials or workmanship of the building; and it was no fault of the contractor that it was not entirely finished, for he was directed to place it where it could not stand, and where he was not able to finish the lantern before the tower fell.

“It is evident that the site was selected in good faith by the govern-

ment agent, he being entirely ignorant of the great rise of water during the furious storms that beat upon it. It is evident that the site was an unwise and injudicious one, from the fact that the government selected a site for the new light-house further from the water and upon higher ground. The second light-house was built by the memorialist, and out of the same materials, and stands firm to the present time.

"The memorialist did not undertake to guaranty the suitability of the site, but to furnish the labor and materials for the structure, and for its failure the government is alone responsible; and the committee know of no rule of law or justice which would allow the government to shelter itself from the payment of a just compensation for the labor performed, because its agent had selected an unsuitable site for the building."

In view of the facts presented, the committee have come to the conclusion that the memorialist is entitled to compensation for the mortar used and labor performed in building the first light-house, and recommend the passage of the bill submitted to the committee.